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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,607	07/18/2003	Ying-Ta Lu	LU20	2433

1444 7590 01/11/2005

BROWDY AND NEIMARK, P.L.L.C.  
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WASHINGTON, DC 20001-5303

EXAMINER
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KYLE, MICHAEL J

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/621,607

**Applicant(s)**

LU, YING-TA

**Examiner**

Michael J Kyle

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4 is/are rejected.
- 7) ☒ Claim(s) 3, 5 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claim 1 is objected to because of the limitation the buckle is “matching the recess”, in line 7 of the claim. It is unclear what “matching” means. It appears the buckle is received by the upper slot of the roller, which is received by the recess.
2. Claim 1 is objected to because of the word “accurate” (lines 8 and 16). Examiner believes this should be --arcuate--. Examiner notes similar instances in the specification also. All instances should be corrected.
3. Claim 1 is objected to because of the limitation that the buckle “downwards hooks the upper slot” (line 16). It is unclear what “downwards hooks” means. Examiner suggests revising to clarify the claim language.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claim 1 recites, “wherein a force is exerted on the roller to rotate the roller and lift the cover and open the casing”, in lines 12 and 13 of the claim. It is unclear how a force applied to the roller can lift and open the cover. It appears as though a force applied to the roller only *allows* for the cover to be lifted and opened. In order to lift and open the cover, an upward force

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must be applied to the cover. It is unclear how an upward force would be applied to the cover based on the disclosed structure of the roller and buckle. As best understood by the examiner, applying a force to roller allows for the cover to be lifted and opened by positioning the upper slot of the roller such that the projecting portion and arcuate face of the buckle are clear of the roller, and may pass through the slot.

7. Claim 1 further recites, “the projecting portion of the buckle downwards hooks the upper slot to close the casing”, and “the arcuate face of the buckle moves upwards and smoothly against the upper slot and slides out of the upper slot to lift the cover” (lines 15-18). While the projecting portion does downwardly hook the upper slot, this does not appear to actually close the casing. As best understood by the examiner, this engagement maintains the cover in closed position. Closing the cover would involve a downward force on the cover. The claimed arrangement does not appear to provide any such downward force. Similarly, the movement of the arcuate face does not appear to lift the cover, as claimed. It appears that this movement only *allows* for the cover to be lifted. Lifting the cover would require an upward force. The claimed arrangement does not appear to provide any upward force that would actually lift the cover.

8. Claims 2-6 depend from rejected claim 1, and include all of the limitations thereof. Therefore these claims are also rejected.

### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 2, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Robert (U.S. Patent No. 6,152,499). Robert discloses a locking device for a casing where a recess is formed on the edge of a seat (12) of the casing, and the locking device includes a buckle (5, 7) protruding downwards from a cover (not shown in drawings, but referred to as “lid”, in abstract), and having a projecting portion (7) and an arcuate face (at 7). A roller (13) is parallel disposed in the recess and pivoted to the seat. The roller has an upper slot (31) and a pattern arranged on an outer surface (at 27, 29). A force applied to the roller allows the cover, or lid, to be lifted to open the casing. Additionally, a diameter of the roller is larger than a depth of the recess (at 33), such that the roller partially protrudes from the seat (12). The projecting portion (7) downwardly hooks the upper slot (31) to hold the case in a closed position. The buckle (5, 7) moves smoothly against the upper slot and slides out of the upper slot when the cover is lifted.

11. With respect to claim 2, Robert discloses the roller (13) to further include an inner recess (radially within 31) for containing the projecting portion.

12. With respect to claim 4, Robert discloses the pattern to be arranged alternatively to be rough and uneven on the outer surface. Examiner notes that “rough” is a relative term, and that anything may be considered rough. Examiner asserts the rounded end portion near 27 is uneven.

***Allowable Subject Matter***

13. Claims 3, 5, and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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***Conclusion***

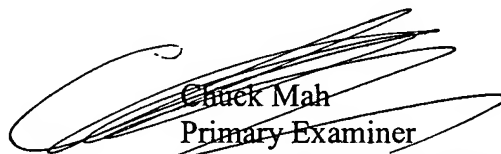
14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are cited to further show the state of the art with respect to rotatable, or rolling latches for cases: Voight, Nakao, Michelutti, Montoli, Nakamori et al, Robert (U.S. Patent No. 6,116,663), and Lo.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Kyle whose telephone number is 703-305-3614. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mk

  
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